

REMARKS

Claims 3-4, 10, 12, 15-17, 23, 25, 28 and 36-37 stand rejected under 35 USC §103(a) as being unpatentable over Pagdin (U.S. Patent No. 2,920,916) in view of Seaberg (U.S. Patent No. 6,135,704). Claims 5-9, 13-14, 18-22 stand rejected under 35 USC §103(a) as being unpatentable over Pagdin in view of Seaberg and Applicants Admitted Prior Art (AAPA). Claims 13-14 and 25-29 stand rejected under 35 USC §103(a) as being unpatentable over Pagdin in view of Seaburg and AAPA and further in view of Milholen et al. (U.S. Patent No. 3,992,049). Claims 11 and 24 stand rejected under 35 USC §103(a) as being unpatentable over Pagdin in view of Kintgen et al. (U.S. Patent No. 4,271,755). Applicant has amended claims 3 and 17 to more clearly define the present invention over the cited prior art. Applicant respectfully submits that the claims of the present invention are neither taught nor suggested by the prior art.

More particularly, claim 3 as amended recites, *inter alia*,

... said lifting and transporting accomplished by applying opposed clamping forces to opposite sides of at least one group having a cross-stacked configuration while preventing elongate bags disposed side-by-side in said cross-stacked configuration from sliding past one another, **said opposed clamping forces being applied to only two sides of the at least one group** and said opposed clamping forces alone being sufficient to lift the at least one group. (emphasis added)

Nowhere does the prior art teach or suggest these features.

The Examiner points to the clamp 39 of Seaburg as providing the opposed clamping forces of the claim. Importantly, the clamp 39 of Seaburg employs four arms

40a-d that extend downward and form a substantially rectangular opening. Col. 3, lines 35-40. The present invention utilizes “**opposed clamping forces being applied to only two sides of the at least one group** [of elongate bags].” This configuration is simpler and less costly to design and use than the complex gripping apparatus of Seaburg. For these reasons, Applicant respectfully submits that claim 3 as amended is patentable over the cited prior art.

The systems described in Milholen et al. and Kintgen et al. fail to address the shortcomings of Pagdin and Seaburg as set forth above. More particularly, the brick stacking machine of Milholen and the bag handling apparatus of Kintgen have nothing to do with the application of clamping forces to at least one group of elongate bags having a cross-stacked configuration as recited in the claim.

As set forth above, the prior art fails to teach or suggest important features of amended claim 3. For these reasons, it is respectfully submitted that claim 3 as amended is patentable over the prior art. Similar arguments apply to independent claim 17 as amended.

The dependent claims 4-16, 18-29, and 36-37 are patentable over the cited prior art for those reasons advanced above with respect to independent claims 3 and 17 from which they respectively depend and for reciting additional features neither taught nor suggested by the cited prior art.

For example, claims 12 and 25 recite "a stacker machine having a moveable stacker head ... and **at least one support structure that is operably disposed between bags disposed side-by-side** in said cross-stacked configuration to prevent such bags from sliding past one another **while not providing resistance to the opposed clamping forces.**" Nowhere does the prior art teach or suggest this feature. The Examiner points to the central core member described in Seaberg at col. 5, lines 54-60 as suggesting these features. However, the central core member of Seaberg resists the opposed clamping forces imposed by the clamp 39, which is specifically not provided by the support structure of claims 12 and 25. For this reason, Applicant respectfully submits that claims 12 and 25 are patentable over the cited prior art.

In another example, claims 13 and 26 recite that this support structure is "at least one chain". In yet another example, claims 14 and 27 recite that this support structure is "one of wire strands and rope strands." Nowhere does the cited prior art teach or suggest these features. The Examiner states that these features would be obvious to one of ordinary skill in the art. Such analysis is flawed as there is no factual basis underlying the Examiner's assertion. For this reason, Applicant respectfully submits that the Examiner has failed to establish a prima facie rejection of claims 13, 14, 26 and 27.

In yet another example, claims 15 and 28 recite "a lift truck having ... **a central support bar laterally disposed below and between said two clamp members** for preventing elongate bags disposed side-by-side in said cross-stacked configuration from sliding past one another." Nowhere does the cited prior art teach or suggest these

features. The Examiner fails to state where such features are found in the cited prior art.

Thus, there is no factual basis underlying the Examiner's assertion. For this reason, Applicant respectfully submits that the Examiner has failed to establish a prima facie rejection of claims 15 and 28.

In light of all of the above, it is submitted that the claims are in order for allowance, and prompt allowance is earnestly requested. Should any issues remain outstanding, the Examiner is invited to call the undersigned attorney of record so that the case may proceed expeditiously to allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jay P. Sbrollini". The signature is fluid and cursive, with a long horizontal stroke at the end.

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